

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ROBERT BENNETT, and CYNTHIA
HITCHINSON as guardians ad Litem for
TYLER BENNETT, et al.,

Plaintiffs,

v.

GREAT LAKES CHEESE CO., INC. and
JOHN DOES (unidentified individuals and/or
entities),

Defendants.

Civil Action No. 08-6387 (SDW-MCA)

ORDER

May 1, 2009

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

This matter comes before the Court on the Report and Recommendation ("R&R") of United States Magistrate Judge Madeline C. Arleo filed March 27, 2009, regarding Plaintiffs' motion to remand, or in the alternative, seeking leave to amend their complaint and to remand pursuant to 28 U.S.C. § 1447(e), and for an award of attorney's fees and costs pursuant to 28 U.S.C. § 1447(c). Oral argument was held before Judge Arleo on March 25, 2009. No objections to the R&R were filed.

The Court has reviewed the R&R and the briefs and documents on file in this matter. Based on the foregoing, and for good cause shown,

IT IS, on this 1st day of May, 2009,

ORDERED that the R&R of Magistrate Judge Arleo filed March 27, 2009, is **ADOPTED** as the conclusions of law of this Court; and it is further

ORDERED that Plaintiffs' motion seeking leave to amend their complaint is **GRANTED**; and it is further

ORDERED that upon filing of Plaintiffs' amended complaint, the case shall be immediately remanded to the Superior Court of New Jersey, Law Division, Middlesex County; and it is further

ORDERED that Plaintiffs' request for an award of attorney's fees and costs is **DENIED**.

s/ Susan D. Wigenton, U.S.D.J.

cc: Magistrate Judge Madeline C. Arleo